IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 8509 of 2004

Between:

Tadi Omakara Pulla Ratnam, s/o Veerabhadra Rao
Polavaram Post & Mandal, Nutanagudem, West Godavari District..

..... PETITIONER

AND

1. The Revenue Divisional Officer, Jangareddy Gudem Division, West Godavari District.

2. The Executive Engineer and River Conservator, Godavari Head Works, Division, Dhavaleswaram post, Rajahmundrya, Eest Godavari District..

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not considering the representation dated 10.01.2004 as illegal arbitrary and violative of Art. 21. of the Constitution of India, consequently direct the respondents to consider and dispose of the representation to sell the tank (PIT) given to the petitioner on any reasonable condition in the interest of justice.

Counsel for the Petitioner:MRK.JOSEPH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

O R D E R:

The petitioner seeks a writ of mandamus declaring the action of the respondents in not considering the representation made by him on 10.01.2004, as illegal arbitrary and violative of Art. 21 of the Constitution of India consequently direct the respondents to consider and dispose of the representation to sell the tank (PIT) given to the petitioner on any reasonable condition.

A short compass of the petitioner's case is that he is the absolute owner and holder of Ac.10.00 dry land in Sy.No.659/2 situated in Polavaram village and Mandal, West Godavari District being the source of livelihood of his family. In 1987 the 1st respondent acquired Ac.2.00 of land out of Ac.10.00 along with some other farmers' lands to an extent of Ac.4.70 cents for the purpose of digging the earth to strengthen and raise the height of the river bund of Godavari. The other farmer landlords of Ac.4.70 cents, illegally converted the abandoned pits into fishponds and the petitioner was came to understand that the other land-owners with some politicians including the village Sarpanch and Fishermen Co-operative Societies have an eye on the said Ac.2.00 of pit which was acquired from him by the 1st respondent as he was unable to erect the fence to his land-pit, but the authorities have not taken any steps to prevent the act of other farmer landlords in converting the pits as fishponds.

At that juncture, the petitioner made a representation to the 1st respondent stating that the said Ac.2.00 pit which was abandoned by the Government virtually became like a tank and now in possession of the Government may not be allotted to any other person or society or otherwise dispose of the same to any society or organization and expressing his willingness to purchase the same in the event of Government deciding to sell the same, but the authorities have not taken any steps on it.

Heard the learned counsel on either side of the parties and perused the contentions raised by the parties.

In view of the facts and circumstances of the case, the respondents are hereby directed to dispose of the representation made by the petitioner to the 1st respondent on 10.1.2004, on recording statements of the relevant persons, within a period of eight weeks from the date of receipt of the copy of this Order.

Accordingly, the Writ Petition is disposed of. In the circumstances of the case, no order as to costs.

JUSTICE ELIPE DHARMA RAO

21st July 2005

BCS

To

1. The Revenue Divisional Officer, Jangareddy Gudem, Division, West Godavari District.

2. The Executive Engineer and River Conservator, Godavari Head Works Division, Dhavaleswaram post, Rajahmundrya, East Godavari District.

3. 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.(OUT)

4. 2 CD copies,

5. 1 CC to Mr. JOSEPH